



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit: 1761

In re

Patent Application of

Robert Lawrence Prosise *et al.*

Serial No.: 09/827,802

Filed: April 6, 2001


Confirmation No. 6870

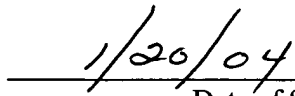
Group Art Unit: 1761

Examiner: Pratt, Helen F.

“TRADITIONAL SNACKS HAVING
BALANCED NUTRITIONAL PROFILES”

I, Mary A. Kocaja, hereby certify that this correspondence is deposited with the US Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date of my signature.


Signature


Date of Signature

REQUEST FOR PROPER INDICATION OF CLAIMS ALLOWED AND
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. 1.104(e)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner indicated that claims 1-9 and 11-24, renumbered as claims 1-23, are allowed. Applicant respectfully points out that all of claims 1-24 are pending, and therefore, that claims 1-24 should have been allowed. Applicant did not cancel claim 10. Proper indication of allowed claims 1-24 is respectfully requested, as well as the inclusion of claims 1-24 in the patent. Confirmation by return facsimile to the number listed below is also respectfully requested.

The following comments are being submitted in response to the Examiner's Reasons for Allowance set forth in the Notice of Allowance mailed on October 21, 2003. Applicant wishes to comment on the Examiner's Statement of Reasons for Allowance by pointing out that the

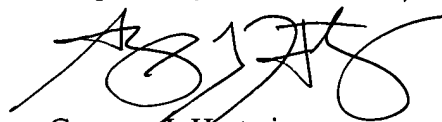
reasons set forth by the Examiner appear to generalize some of the features of the claims. Therefore, the reasons set forth by the Examiner are not the only reasons that claims 1-24 are allowable. Independent claim 1 may include additional patentable features or combinations of features not mentioned by the Examiner. Additionally, each of dependent claims 2-24 may include additional patentable features or combinations of features not mentioned by the Examiner.

With respect to claim 1, the prior art does not teach or suggest a nutritionally balanced, traditional snack food having a water activity of less than 0.90; and comprising, on a 100 kcal reference serving basis:

- a.) at least 5 grams of an amino acid source;
- b.) less than 3 grams of a digestible fat; and
- c.) a carbohydrate that provides the balance of the total caloric value of said food and at least about 2.5 grams of dietary fiber, the fiber having a particle size of less than 150 microns and a water absorption of less than 7.0 grams per gram of fiber.

Dependent claims 2-24 ultimately depend from claim 1. Accordingly, claims 2-24 are allowable based upon claim 1. Claims 2-24 may also include additional patentable features and/or combinations of features which are not discussed herein.

Respectfully submitted,



Gregory J. Hartwig
Reg. No. 46,761

File No. 066544-9007-01

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560

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